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DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Gabriel MACIAS** Defendant.	Magistrate Case No. '07 MJ 2513 BLM
	COMPLAINT FOR VIOLATION OF
	Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation

The undersigned complainant being duly sworn states:

On or about **October 23, 2007**, within the Southern District of California, defendant **Gabriel MACIAS**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Diana GARCIA-Gonzalez and Israel LOPEZ-Corrales**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Mario Avila, U.S. Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29TH** DAY OF **OCTOBER**, 2007.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Eric M. Velazquez, declare under penalty of perjury the following to be true and correct:

The complainant states that **Diana GARCIA-Gonzalez and Israel LOPEZ-Corrales** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial thereof by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On October 23, 2007 at about 2035 hours **Gabriel MACIAS (Defendant)** applied for admission into the United States at the San Ysidro Port of Entry as the driver and sole visible occupant of a white 2000 Dodge Caravan. Upon inspection before a Customs and Border Protection (CBP) Officer, Defendant claimed the vehicle he was driving belonged to his mother and Defendant stated he was going to Ontario, California. The CBP Officer received a negative Customs declaration from Defendant. The CBP Officer noticed Defendant appeared to be nervous. Defendant's hands were shaking and had minimal eye contact with the CBP Officer. During an inspection of the vehicle, the CBP Officer discovered a non-factory compartment in the undercarriage area of the vehicle. The CBP Officer noticed a pair of human feet at the end of the compartment. The CBP Officer escorted Defendant to the security office. Another CBP Officer drove the vehicle into secondary.

In secondary, a CBP Enforcement Officer removed three undocumented aliens from the non-factory compartment located under the rear passenger seats and third row passenger bench seat. All three undocumented aliens were determined to be citizens of Mexico without entitlements to enter or reside in the United States. Two of the three undocumented aliens are now identified as material witnesses: **Diana GARCIA-Gonzalez (MW1) and Israel LOPEZ-Corralez (MW2).**

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted an unknown man provided him with an opportunity to smuggle contraband in exchange for a vehicle. Defendant denied knowing the type of contraband concealed in the vehicle. Defendant admitted he was given driving directions to a gas station in Chula Vista, CA and was instructed to deliver the vehicle there. Defendant stated he was to receive a vehicle in exchange for the smuggling act.

Separate videotaped interviews were conducted with Material Witnesses. MW1 and MW2 admitted they are citizens of Mexico without documents to lawfully enter or reside in the United States. Both admitted they were to pay $2000.00 (USD) each to be smuggled into the United States. Both stated they were going to Los Angeles, California to seek employment.

EXECUTED ON THIS **24** DAY OF **OCTOBER 2007** AT **10:00 AM**.

[signature]

Eric M. Velazquez / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page(s), I find probable cause to believe that the defendant named therein committed the offense on **October 23, 2007** in violation of Title 8, United States Code, Section 1324.

[signature] Barbara L. Major
MAGISTRATE JUDGE

10/24/07 at 1:00 pm
DATE / TIME